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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,608	04/02/2004	Koji Sonoda	H-1212	2458
24956	7590	10/30/2007		
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER MEUCCI, MICHAEL D	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/817,608

Applicant(s)

SONODA ET-AL.

Examiner

Michael D. Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the request for reconsideration filed 24 July 2007.
2. Claims 1-21 are pending. Claim 22 has been cancelled.

### ***Claim Objections***

3. Claims 10-18 are objected to under 37 CFR 1.75(d)(1) because the term "computer readable storage medium" lacks antecedent basis in the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 10-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant's attempt to overcome the previous rejection under 35 U.S.C. 101 has brought forth additional issues regarding the written description requirement. The newly claimed "program, stored on a computer readable storage medium" lacks antecedent basis in the specification. A definition of the computer readable storage medium cannot be found in the applicant's specification. Correction is required.

***Allowable Subject Matter***

5. The following is a statement of reasons for the indication of allowable subject matter: The subject matter claimed in independent claims 1, 10, 19, and 21 could not be found in the prior art. The closest art of record is Cannon et al. (U.S. 6,886,019) hereinafter referred to as Cannon. While Cannon teaches: a first computer that receives access requests to files from at least one client computer (lines 38-40 and 55-56 of column 3); a first storage device system that is connected to the first computer and stores file management information (lines 43-46 of column 1); a second computer that receives access requests to data from the first computer (lines 35-43 of column 5); a second storage device system that is connected to the second computer and stores file data (lines 35-43 of column 5); and a network that connects to the at least one client computer, the first computer and the second computer (lines 35-37 of column 1); wherein, upon receiving file data from the at least one client computer, the first computer assigns first identification information to the file data, and stores the file data in the second storage device system through the second computer (lines 11-24 of column 2); the first storage device system stores the first identification information assigned to the file data by the first computer, and a file name of a file having the file data designated by the at least one client computer as said file management information (lines 11-24 of column 2); the first computer stores the write data, through the second computer, in a storage region within the second storage device system that is different from a storage region that stores the file data already stored in the second storage

device system (lines 40-55 of column 1 and lines 49-54 of column 3); and the first computer correlates the second identification information to the filename of the file and to the first identification information and stores the second identification information in the first storage device system (lines 49-55 of column 1), Cannon does not explicitly teach: (a) wherein upon receiving from the at least one client computer, a write request requesting write access to a file, which is the target of the write request, the first computer search an open file table, which registers in corresponding relation file names used by the at least one client computer to designate files, first identification information of files that are open; (b) checking credential information of users of the at least one client computer who can access the files that are open and information that identifies session information which is generated when a session has been established between the at least one client computer and said first computer to obtain first identification information of the file and causing a determination whether a user of the at least one client computer has authority to execute the write request based on said credential information and said session information, and if the user of the at least one client computer has the authority to execute the write request; and (c) a third computer that manages a history of accesses to the files by the at least one client computer and charges fees to users of the at least one client computer for accessing the files based on the history of accesses to the files.

The prior art references of record do not teach (alone or in combination) all the limitations together within the independent claim 1. For example, the claim contains limitations of "a third computer that manages a history of accesses to the files by the at

Art Unit: 2142

least one client computer and charges fees to users of the at least one client computer for accessing the files based on the history of accesses to the files". No prior art could be found teaching charging fees to users of the client computer for accessing the files based on the history of accesses to the files. This in combination with the remaining limitations of the claim could not be found in the prior art and was not considered obvious in view of the prior art. Therefore, the independent claims 1, 10, 19, and 21 have allowable subject matter and are allowable over the prior art of record.

6. Claims 1-9 and 19-21 are allowable.

### ***Response to Arguments***

7. Applicant's arguments filed 24 July 2007, with respect to the rejections claims 1-21 under 35 U.S.C. 103(a) have been fully considered and are persuasive. The rejections of claims 1-21 under 35 U.S.C. 103(a) have been withdrawn.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published

Art Unit: 2142

in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER